



THE CITY OF WINDSOR

OFFICE OF THE MAYOR

EDDIE FRANCIS
MAYOR

October 30, 2013

The Honourable Glen Murray
Minister of Transportation
Ferguson Block
3rd Floor
77 Wellesley Street West
Toronto, ON M7A 1Z8

Dear Minister Murray,

I am writing to you on behalf of the City of Windsor community to express our real and substantial concerns as they relate to the recent Independent Expert Review of Certain Girders Manufactured for the Rt. Hon. Herb Gray Parkway.

As you know, the City of Windsor and our residents have been active participants in the planning and design of the Parkway throughout the process established by the Province and its partners. On behalf of our community, the City invested considerable time and resources so as to provide valuable and meaningful input into the design of the parkway, on the understanding that this transformational project would serve as a vital artery for international trade and cross border traffic for generations to come.

Permanent doubt has been cast on the safety and integrity of the parkway structures, specifically the lack of adherence to our domestic industry standards and codes, the absence of rigorous quality control that could have provided some comfort to our residents' concerns. The report further casts an air of doubt on the safety of the parkway structures and their capability and capacity to perform as intended for generations to come. In all cases, there is a reliance on expanded maintenance programs to correct the deficiencies, which requires enhanced provincial expenditures on ongoing inspection and remediation, which cannot be guaranteed and is always subject to spending priorities of the day.

Moreover, the report was authored by the Independent Expert Review (IER) Committee, whose chair is an attorney with expertise in litigation and arbitration of construction claims. In reading the report, it is our opinion that the findings have been heavily influenced by potential legal repercussions rather than engineering outcomes, thus hindering the technical openness of the team.

As noted in the report, we note that the girders produced up to November 19, 2012 are undisputedly noncompliant with domestic construction standards, and should be replaced or repaired. In this context our technical team offers the following requests for your consideration:

- Consider the status of the permanently installed girders and the just-placed girders separately. We request that the Government of Ontario conduct a complete field survey of the installed or in-yard girders that were manufactured prior to November 19, 2012 for visible deficiencies and sign of distress.
- Based on the survey, that the Government of Ontario assess the state of the girders for their capacities in terms of strength, durability, fatigue resistance, and fire resistance, considering the many non-compliance items.
- That the Government of Ontario assess the specific load demands on these girders considering their actual location, loading condition, and design fire events by reviewing the original design versus the as-built condition.
- That the designer be required to propose retrofit methods that will fully address the concerns of the IER committee that resulted from the noncompliance items. The proposed methods of retrofitting would be necessarily reviewed by the independent panel and the City Engineer for the City of Windsor.
- That the Government of Ontario direct the replacement or retrofitting of the 50 permanently installed girders in Tunnel 2. If the contractor elects to retrofit, we recommend that a monitoring system be provided and that the contractor provide an extended warranty period.
- That the Government of Ontario direct both the removal and replacement of the 153 installed girders in Tunnel 7 with fully conforming girders before proceeding. These removed girders would be retrofitted only where feasible and, if applicable, be reused in areas that have lower loads and/or stress cycles, with proper retrofitting, as determined by the independent technical panel and agreed upon by the owner, designer and the City of Windsor.
- That the Government of Ontario confirms compliance of these girders with respect to their capability to resist a fire load in the tunnels. The EIR report did not explicitly address this issue. Recent studies have showed that concrete loses its strength and load carrying capabilities significantly if it is subjected to high temperatures, i.e. 450 degree or above. The results of heavy goods fires have shown that the temperature could reach 1300 degrees. We would suggest that fire proofing may be a further requirement to protect these girders.

This incident has further resulted in significant and unnecessary economic hardship to our community. I have received countless reports that many of our subcontractors have been delayed payment for services rendered, regardless of the relevance of their work to the girders issue. Our residents and businesses who have been engaged as subcontractors are being deprived of rightly earned income from their service to this project as a result of matters unrelated to their work. This is an unacceptable outcome in my opinion. I respectfully request that your Ministry take action to ensure that these subcontractors are paid without further delay through the required holdback.

I append for your information and action M394-2013 and M395-2013, which reflect City Council's position regarding the seriousness of this matter and look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eddie Francis', with a stylized, cursive script.

Eddie Francis

cc Hon. Kathleen Wynne, Premier
Hon. Teresa Piruzza, MPP - Windsor West

Appendices: Windsor City Council - Motions M394-2013, M395-2013